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HOME (ELECTIONS) DEPARTMENT

NOTIFICATION

The 16th October, 2023

No.10242—EC-CON-MISC-0008-2020/Elec.-The following order issued by Election Commission of India, New Delhi is hereby published in the Extraordinary issue of the *Odisha Gazette* for general information.

By Order,
NIKUNJA BIHARI DHAL
Chief Electoral Officer

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/OD-LA/2021(Bye)/CEMS-IV

9th October, 2023
17 Asvina, 1945 (Saka)

ORDER

WHEREAS, the Bye Election for 110-Pipili Assembly Constituency of Odisha, 2021 was held in pursuance of the Election Commission of India Notification No.100/OR-LA/3/2021 dated 4th September, 2021; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer, an account of his election expenses which shall be true copy of the account kept by him or his election agent under Section 77 of the said act; and

WHEREAS, the result of the election for **110-Pipili** Assembly Constituency of Odisha, was declared by the Returning Officer on 3rd October, 2021 and hence the last date for lodging the account of Election Expenses was 2nd November, 2021; and

WHEREAS, as per the report submitted by the DEO, Puri, and forwarded by CEO, Odisha vide their letter no. **VE (A)-28/2021-7353/Elec dated 17th December, 2021** **Sh. Swopneswar Nayak**, a contesting candidate from 110-Pipili Assembly Constituency of Odisha, 2021 has failed to lodge account of election expenses, as required under law; and

WHEREAS, on the basis of the said reports of the District Election Officer, a Show-Cause notice No. **76/OD-LA/2021(Bye)/CEMS-IV**, dated 21st February, 2022 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to **Sh. Swopneswar Nayak**, for not lodging of account of Election Expenses; and

WHEREAS, through the above said Show Cause Notice and under sub rule (6) of Rule 89 of the Conduct of Election Rules, 1961, **Sh. Swopneswar Nayak**, was directed to submit his representation in writing to the Commission explaining the reason for not lodging the account and also to lodge account of election expenses with the District Election Officer, Puri within 20 days from the date of receipt of the notice; and

WHEREAS, the District Election Officer, Puri, vide his letter no. **IX-08/2022-23/Elec. Dated 9th January, 2023** has informed that said notice was served by Sh. Sudarshan Nayak, father of Sh. Swopneswar Nayak on 14.12.2022; and

WHEREAS, the District Election Officer, Puri, vide letter no. **IX-07/2023-750/Elec. Dated.25th August, 2023** in his supplementary report has reported that **Sh. Swopneswar Nayak**, has neither submitted any representation nor any statement of account of election expenses even after receipt of the Show Cause Notice dated 21st February, 2022 of the Election Commission of India; and

WHEREAS, after receipt of the said notice, **Sh. Swopneswar Nayak** has neither furnished any reason nor any explanation to the Election Commission of India, for failure to lodge the account of election expenses as prescribed to do so; and

WHEREAS, on the basis of facts and available records, the commission is satisfied that **Sh. Swopneswar Nayak** has failed to lodge account of election

expenses and has not furnished any reason or justification for the failure to do so; and

WHEREAS, Section 10 A of the Representation of the People Act, 1951 provides that:-

“ If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act; and**
- (b) has no good reason or justification for the failure,**

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.”

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares **Sh. Swopneswar Nayak, resident or Village-Dingar, P.S.-Begunia, District-Khurdha, Odisha-752072**, a contesting candidate from 110-Pipili, Assembly Constituency of the State of Odisha in the Bye Election, 2021 to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order.

By Order,

(BINOD KUMAR)
SECRETARY
ELECTION COMMISSION OF INDIA

Sh.Swopneswar Nayak,
Village-Dingar, P.S-Begunia
District-Khurdha, Odisha-752072